

HB 761 INTRODUCED BY THOFT
ALTERNATIVE METHOD OF FURNISHING BAIL SET AT \$1,000
OR LESS

2/14	INTRODUCED	
2/14	REFERRED TO JUDICIARY	
2/16	FISCAL NOTE REQUESTED	
2/19	HEARING	
2/19	FISCAL NOTE RECEIVED	
2/21	COMMITTEE REPORT--BILL PASSED	
2/24	2ND READING PASSED	84 12
2/24	3RD READING PASSED	90 10

TRANSMITTED TO SENATE
3/02 REFERRED TO JUDICIARY
3/26 HEARING
3/27 TABLED IN COMMITTEE

1 House BILL NO. 761
2 INTRODUCED BY Draft
3

4 A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT WHEN
5 BAIL IS SET AT \$1,000 OR LESS, THE DEFENDANT MAY FURNISH
6 BAIL BY PAYING A FEE TO THE CLERK OF THE COURT IN AN AMOUNT
7 OF CASH EQUAL TO 10 PERCENT OF THE REQUIRED BAIL AND A
8 PROMISSORY NOTE FOR THE TOTAL AMOUNT OF THE REQUIRED BAIL,
9 SIGNED BY THE DEFENDANT IN FAVOR OF THE COUNTY; PROVIDING
10 THAT THE COUNTY SHALL USE THE CASH FEE TO FUND THE COUNTY
11 PUBLIC DEFENDER'S OFFICE OR COURT-APPOINTED COUNSEL SYSTEM;
12 AND AMENDING SECTION 46-9-401, MCA."
13

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

15 Section 1. Section 46-9-401, MCA, is amended to read:
16 "46-9-401. How bail furnished. Bail may be furnished
17 by the defendant in any of the following ways:

18 (1) by a deposit with the clerk of the court of an
19 amount equal to the required bail of cash, stocks, or bonds
20 or any combination thereof approved by the judge;

21 (2) by real estate situated in this state with
22 unencumbered equity not exempt owned by the accused or
23 sureties worth double the amount of bail;

24 (3) by written undertaking executed by the defendant
25 and by two sufficient sureties; or

1 (4) by a commercial surety bond executed by the
2 defendant and by a qualified agent for and on behalf of such
3 surety company; or

4 (5) if the bail is set at \$1,000 or less, by paying a
5 nonrefundable fee to the clerk of the court in cash in an
6 amount equal to 10% of the required bail, together with a
7 promissory note due upon demand of the court for the total
8 amount of the required bail, signed by the defendant in
9 favor of the county. The clerk of the court shall forward
10 the 10% cash fee to the county treasurer. The board of
11 county commissioners shall use the fee to compensate
12 court-appointed counsel as required by 46-8-201 or to fund
13 the county public defender's office provided for in
14 46-8-202. If bail is forfeited, the note shall be declared
15 due and the proceeds therefrom disposed of as provided by
16 law. The county may collect on the note in any manner
17 provided for by law."

-End-

STATE OF MONTANA - FISCAL NOTE

Form BD-15

In compliance with a written request, there is hereby submitted a Fiscal Note for HB761, as introduced.

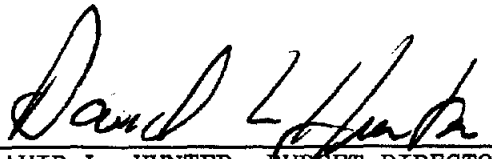
DESCRIPTION OF PROPOSED LEGISLATION:

An act providing that when bail is set at \$1,000 or less, the defendant may furnish bail by paying a fee to the Clerk of Court in an amount of cash equal to 10% of the required bail and a promissory note for the total amount of the required bail, signed by the defendant in favor of the county; providing that the county shall use the cash fee to fund the County Public Defender's office or court-appointed counsel system; and amending Section 46-9-401, MCA.

EFFECT ON COUNTY OR OTHER LOCAL REVENUE OR EXPENDITURES:

Local impact cannot be determined. No data available on number of cases where bail is set at under \$1,000.

Payment is optional because a defendant could post the full cash bond, or could use a bondsman. There would be an increase in non-tax revenue for all District Court funds.

 DATE 2/20/87

DAVID L. HUNTER, BUDGET DIRECTOR
Office of Budget and Program Planning

 DATE 2/20/87

BOB THOFT, PRIMARY SPONSOR

Fiscal Note for HB761, as introduced.

HB 761

APPROVED BY COMMITTEE
ON JUDICIARY

1 House BILL NO. 761
2 INTRODUCED BY [Signature]
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-2-
THIRD READING
HB-761